



09 828 794

ZAW  
DAC \$PATENT  
Customer No. 22,852  
Attorney Docket No. 7883.0011-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:

Peter J. WILK et al.

U.S. Patent No. 6,881,199 B2

Issued: April 19, 2005

For: LEFT VENTRICULAR CONDUIT  
WITH BLOOD VESSEL GRAFTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application No.: 09/828,794

Filed: April 10, 2001

06/16/2005 SFELEKE2 00000111 6881199

01 FC:1455

200.00 DP

Sir:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT****UNDER 37 C.F.R. § 1.705(d)**

In accordance with 37 C.F.R. § 1.705, applicants hereby request reconsideration of the patent term adjustment of 349 days indicated on the Issue Notification mailed March 30, 2005 and the first page of U.S. Patent No. 6,881,199 B2. Specifically, as described below, this patent is entitled 402 days of additional patent term. As required by 37 C.F.R. § 1.705(b)(1), this Request is accompanied by a check to pay the \$200.00 fee set forth in 37 C.F.R. § 1.18(e).

As indicated in the "Decision on the Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. § 1.705(b)" mailed February 9, 2005, as of the Notice of Allowance mailed May 20, 2004, the Patent Term Adjustment for this application was 297 days. Accordingly, Applicants believe that all patent term adjustments up to the mailing date of the Notice of Allowance are not reviewable.

For a discussion of the subsequent patent term adjustments, Applicants attach a PAIR printout indicating how the Office calculated the 349 day patent term adjustment indicated on

the face of this patent. Applicants agree with the Office that, between the payment of the issue fee on August 19, 2004 and the issuance of the patent on April 19, 2005, the Office accrued a delay in issuing this patent under 37 C.F.R. § 1.702(a)(4) of 121 days.

The PAIR printout, however, incorrectly indicates that this application is further subject to a sixty-nine (69) day reduction in patent term because an Information Disclosure Statement ("IDS") was filed on June 18, 2004. This IDS, however, was the resubmission of an IDS properly and timely filed on April 8, 2004. The IDS was resubmitted because the Examiner mistakenly did not consider the IDS prior to issuing a Notice of Allowance on May 20, 2004. As reflected in the June 18, 2004 "Resubmission" (a copy of which is attached) the Examiner requested that Applicants refile the IDS with copies of certain references so that she may consider the cited references. The need to resubmit the IDS, therefore, was the fault of the PTO, and Applicants should not be penalized by a reduction in patent term due to the resubmission. Applicants also attach a copy of the IDS filed April 8, 2004 and a stamped postcard indicating that the IDS and its accompanying documents were received by the Office on April 8, 2004.

Because the April 8, 2004 IDS was filed after filing an Amendment with a Request for Continued Examination on March 23, 2004, the IDS could be considered a supplemental reply under 37 C.F.R. § 1.704(b)(8). However, even in that case, the patent term is reduced only by sixteen (16) days, the period between March 23, 2004 and April 8, 2004, and not sixty-nine (69) days as set forth in the PAIR printout.

Accordingly, using the baseline of 297 days, 121 days is added to the patent term adjustment under 37 C.F.R. § 1.702(a)(4) and 16 days are subtracted under 37 C.F.R. § 1.704(b)(8), leaving the correct 402 day patent term adjustment for this patent that Applicants seek herein.

In accordance with 37 C.F.R. §1.705(b)(2)(iv)(B), there was no circumstance, other than discussed above, constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. §1.704.

In accordance with 37 C.F.R. § 1.705(b)(iii), this application is subject to a Terminal Disclaimer and is set to expire in accordance with the provisions set forth in the Terminal Disclaimer filed July 31, 2003, a copy of which is submitted herewith.

Please grant any extensions of time required to enter this Request and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 15, 2005

By: 

Michael W. Kim  
Reg. No. 51,880

Attachments:

- Copy of Post Card date stamped by the PTO on April 8, 2004 (1 page);
- Copy of Terminal Disclaimer dated July 31, 2003 (3 pages);
- PAIR printout (2 pages);
- Copy of Resubmission of Information Disclosure Statement filed June 18, 2004 (2 pages);
- Copy of Information Disclosure Statement (2 pages) and Form PTO 1449 (12 pages) filed April 8, 2004.

Printer Friendly

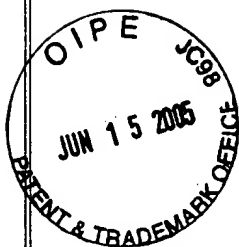
09/828,794 LEFT VENTRICULAR CONDUIT WITH BLOOD VESSEL GRAFT

## Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/828,794			
Filing or 371(c) Date: 04-10-2001		USPTO Delay (PTO):	477 Days
Issue Date of Patent: 04-19-2005		Three Years:	-
Pre-Issue Petitions (days): +0		Applicant Delay(APPL):	133
Post-Issue Petitions (days): +0		Total PTA:	349
USPTO Adjustment(days): 5		Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL(Days)
04-19-2005	Patent Issue Date Used in PTA Calculation	121	
03-17-2005	Receipt into Pubs	↑	
03-16-2005	Dispatch to FDC	↑	
03-16-2005	Application Is Considered Ready for Issue	↑	
03-10-2005	Receipt into Pubs	↑	
02-09-2005	Adjustment of PTA Calculation by PTO	5	
02-09-2005	Adjustment of PTA Calculation by PTO	↑	
02-09-2005	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance	↑	
02-09-2005	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance	↑	
01-20-2005	Receipt into Pubs	↑	
01-20-2005	Receipt into Pubs	↑	
01-20-2005	Receipt into Pubs	↑	
08-25-2004	Mail Miscellaneous Communication to Applicant	↑	
08-23-2004	Miscellaneous Communication to Applicant - No Action Count	↑	
08-19-2004	Issue Fee Payment Verified	↑	
08-19-2004	Applicant Has Filed a Verified Statement of Small Entity Status in Compliance with 37 CFR 1.27	↑	
08-19-2004	Petition Entered	↑	
08-19-2004	Workflow incoming petition IFW	↑	
08-19-2004	Issue Fee Payment Received	↑	
07-30-2004	Receipt into Pubs	↑	
06-18-2004	Reference capture on IDS	↑	
06-18-2004	Information Disclosure Statement (IDS) Filed	↑	69
06-04-2004	Workflow - File Sent to Contractor	↑	
05-20-2004	Mail Notice of Allowance	↑	

05-18-2004	Issue Revision Completed	↑	
05-17-2004	Notice of Allowance Data Verification Completed	↑	
05-17-2004	Notice of Allowability	↑	
05-14-2004	Date Forwarded to Examiner	↑	
05-14-2004	Date Forwarded to Examiner	↑	
05-14-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑	
03-23-2004	Request for Continued Examination (RCE)	↑	
03-23-2004	Workflow - Request for RCE - Begin	↑	
12-23-2003	Mail Notification of Terminal Disclaimer - Not Accepted	↑	
12-23-2003	Mail Notification of Terminal Disclaimer - Accepted	↑	
12-23-2003	Mail Final Rejection (PTOL - 326)	23	
12-15-2003	Final Rejection	↑	
12-12-2003	Notification of Terminal Disclaimer - Accepted	↑	
12-02-2003	Notification of Terminal Disclaimer - Not Accepted	↑	
09-25-2003	Date Forwarded to Examiner	↑	
09-05-2003	Supplemental Response	↑	36
08-28-2003	Date Forwarded to Examiner	↑	↑
07-31-2003	Terminal Disclaimer Filed	↑	
07-31-2003	Response after Non-Final Action	↑	↑
07-31-2003	Request for Extension of Time - Granted	↑	
05-09-2003	Mail Non-Final Rejection	333	
05-05-2003	Non-Final Rejection	↑	
12-11-2001	Case Docketed to Examiner in GAU	↑	
10-02-2001	Application Dispatched from OIPE	↑	
10-02-2001	Application Is Now Complete	↑	28
08-03-2001	Preliminary Amendment	↑	
08-03-2001	Preliminary Amendment	↑	
06-04-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
06-01-2001	Correspondence Address Change	↑	
04-25-2001	IFW Scan & PACR Auto Security Review	↑	
04-10-2001	Preliminary Amendment	↑	
04-10-2001	Initial Exam Team nn	↑	

[Close Window](#)



PATENT  
Customer No. 22,852  
Attorney Docket No. 7883.0011-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Peter J. WILK et al. ) Group Art Unit: 3762  
)  
Application No.: 09/828,794 ) Examiner: P. BIANCO  
)  
Filed: April 10, 2001 )  
)  
For: LEFT VENTRICULAR CONDUIT )  
WITH BLOOD VESSEL GRAFT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner ("Assignee") Percardia, Inc., duly organized under the laws of the State of Delaware and having its principal place of business at 10 Al Paul Lane, Suite 202, Merrimack, New Hampshire 03054, through its attorneys, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 09/828,794, filed April 10, 2001, for LEFT VENTRICULAR CONDUIT WITH BLOOD VESSEL GRAFT, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 10468, Frame 0027, and is and at all times was the only assignee of U.S. Patent No. 6,254,564 B1, issued July 3, 2001, for LEFT VENTRICULAR CONDUIT WITH BLOOD VESSEL GRAFT, also as

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
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Washington, DC 20005  
202.408.4000  
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www.finnegan.com

indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 10468, Frame 0027.

To obviate a double patenting rejection, Assignee hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified U.S. Patent Application No. 09/828,794, which would extend beyond the expiration date of U.S. Patent No. 6,254,564 B1 and hereby agrees that any patent so granted on the above-identified U.S. Patent Application No. 09/828,794 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,254,564 B1. This agreement runs with any patent granted on the above-identified U.S. Patent Application No. 09/828,794 and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the above-identified U.S. Patent Application No. 09/828,794 that would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 to 156 and 173, of U.S. Patent No. 6,254,564 B1, as shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,254,564 B1 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$55.00 is being filed with this Terminal Disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 31, 2003

By: 

Leslie I. Bookoff  
Reg. No. 38,084

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15/11/11B/STJ/MWK

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Peter J. WILK et al.

Application No.: 09/828,794

Group Art Unit: 3762

Filed: April 10, 2001

Examiner: P. BIANCO

For: LEFT VENTRICULAR CONDUIT WITH BLOOD VESSEL GRAFT

1. Information Disclosure Statement Under 37 C.F.R. §1.97(b) (2 pages);
2. Form PTO 1449 (12 pages) and 1 box containing copies of references listed on Form PTO 1449.

Dated: April 8, 2004

Docket No.: 7883.0011-01

STJ/MWK/cg



(Due Date: N/A)

PLEASE RETURN POSTCARD TO C. GOERNER @ MD 832

15/11/11B/STJ/MWK



PATENT  
Customer No. 22,852  
Attorney Docket No. 7883.0011-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Peter J. WILK et al. )  
) Group Art Unit: 3762  
Application No.: 09/828,794 )  
) Examiner: P. BIANCO  
Filed: April 10, 2001 )  
)  
For: LEFT VENTRICULAR CONDUIT )  
WITH BLOOD VESSEL GRAFT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are submitted herewith. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

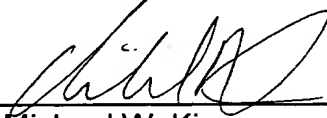
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any other fee not already accounted for and due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

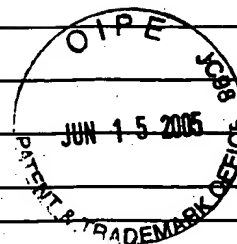
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 8, 2004

By:   
Michael W. Kim  
Reg. No. 51,880

## INFORMATION DISCLOSURE CITATION

Atty. Docket No. 7883.0011-01	Appln. No. 09/828,794
Applicant Peter J. WILK et al.	
Filing Date April 10, 2001	Group: 3762

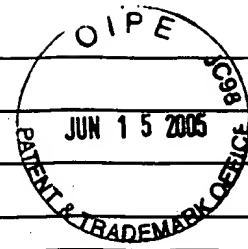


## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,953,553	09/1990	Tremulis			
	5,193,546	03/1993	Shaknovich			
	5,344,426	09/1994	Lau et al.			
	5,389,096	02/1995	Aita et al.			
	5,554,119	09/1996	Harrison et al.			
	5,593,434	01/1997	Williams			
	5,618,299	04/1997	Khosravi et al.			
	5,733,267	03/1998	Del Toro			
	5,807,384	09/1998	Mueller			
	5,876,373	03/1999	Giba et al.			
	5,885,259	03/1999	Berg			
	5,922,022	07/1999	Nash et al.			
	5,925,012	07/1999	Murphy-Chutorian et al.			
	5,931,848	08/1999	Saadat			
	5,935,161	08/1999	Robinson et al.			
	5,938,632	08/1999	Ellis			
	5,976,155	11/1999	Foreman et al.			
	5,980,533	11/1999	Holman			
	5,997,525	12/1999	March et al.			
	5,999,678	12/1999	Murphy-Chutorian et al.			
	6,004,261	12/1999	Sinofsky et al.			
	6,004,347	12/1999	McNamara et al.			
	6,007,543	12/1999	Ellis et al.			
	6,010,449	01/2000	Selmon et al.			
	6,026,814	02/2000	LaFontaine et al.			
	6,035,856	03/2000	LaFontaine et al.			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
Applicant	Peter J. WILK et al.		
Filing Date	April 10, 2001	Group:	3762



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,036,677	03/2000	Javier, Jr. et al.			
	6,036,697	03/2000	DiCaprio			
	6,056,743	05/2000	Ellis et al.			
	6,067,988	05/2000	Mueller			
	6,080,170	06/2000	Nash et al.			
	6,093,177	07/2000	Javier, Jr. et al.			
	6,093,185	07/2000	Ellis et al.			
	6,120,520	09/2000	Saadat et al.			
	6,123,682	09/2000	Knudson et al.			
	6,126,654	10/2000	Giba et al.			
	6,132,451	10/2000	Payne et al.			
	6,155,264	12/2000	Ressemann et al.			
	6,156,031	12/2000	Aita et al.			
	6,157,852	12/2000	Selmon et al.			
	6,165,185	12/2000	Shennib et al.			
	6,165,188	12/2000	Saadat et al.			
	6,171,251	01/2001	Mueller et al.			
	6,186,972	02/2001	Nelson et al.			
	6,197,324	03/2001	Crittenden			
	6,200,311	03/2001	Danek et al.			
	6,203,556	03/2001	Evans et al.			
	6,213,126	04/2001	LaFontaine et al.			
	6,214,041	04/2001	Tweden et al.			
	6,217,527	04/2001	Selmon et al.			
	6,217,549	04/2001	Selmon et al.			
	6,217,575	04/2001	DeVore et al.			
	6,221,049	04/2001	Selmon et al.			

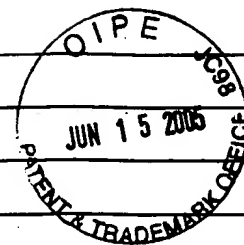
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Filing Date	April 10, 2001	Group:	3762

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,223,752	05/2001	Vanney et al.			
	6,224,584	05/2001	March et al.			
	6,231,546	05/2001	Milo et al.			
	6,231,551	05/2001	Barbut			
	6,235,000	05/2001	Milo et al.			
	6,237,607	05/2001	Vanney et al.			
	6,238,406	05/2001	Ellis et al.			
	6,241,667	06/2001	Vetter et al.			
	6,248,112	06/2001	Gambale et al.			
	6,250,305	06/2001	Tweden			
	6,251,079	06/2001	Gambale et al.			
	6,251,116	06/2001	Shennib et al.			
	6,251,418	06/2001	Ahern et al.			
	6,253,769	07/2001	LaFontaine et al.			
	6,258,052	07/2001	Milo			
	6,258,119	07/2001	Hussein et al.			
	6,283,951	09/2001	Flaherty et al.			
	6,283,983	09/2001	Makower et al.			
	6,285,903	09/2001	Rosenthal et al.			
	6,287,317	09/2001	Makower et al.			
	6,290,709	09/2001	Ellis et al.			
	6,290,728	09/2001	Phelps et al.			
	6,302,875	10/2001	Makower et al.			
	6,322,548	11/2001	Payne et al.			
	6,330,884	12/2001	Kim			
	6,331,185	12/2001	Gambale et al.			
	6,350,248	02/2002	Knudson et al.			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
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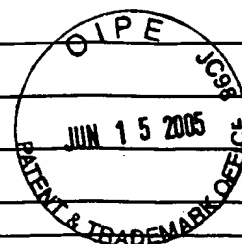


## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,361,519	03/2002	Knudson et al.			
	6,363,938	04/2002	Saadat et al.			
	6,363,939	04/2002	Wilk			
	6,375,615	04/2002	Flaherty et al.			
	6,379,319	04/2002	Garibotto et al.			
	6,387,119	04/2002	Wolf et al.			
	6,390,098	05/2002	LaFontaine et al.			
	6,395,208	05/2002	Herweck et al.			
	6,402,740	06/2002	Ellis et al.			
	6,406,488	06/2002	Tweden et al.			
	6,406,491	06/2002	Vanney			
	6,409,697	06/2002	Eno et al.			
	6,409,751	06/2002	Hall et al.			
	6,416,490	07/2002	Ellis et al.			
	6,423,089	07/2002	Gingras et al.			
	6,432,119	08/2002	Saadat			
	6,432,126	08/2002	Gambale et al.			
	6,432,127	08/2002	Kim et al.			
	6,432,132	08/2002	Cottone et al.			
	6,443,158	09/2002	LaFontaine et al.			
	6,447,522	09/2002	Gambale et al.			
	6,447,539	09/2002	Nelson et al.			
	6,454,794	09/2002	Knudson et al.			
	6,454,760	09/2002	Vanney			
	6,458,092	10/2002	Gambale et al.			
	6,458,140	10/2002	Akin et al.			
	6,458,323	10/2002	Boekstegers			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
Applicant	Peter J. WILK et al.		
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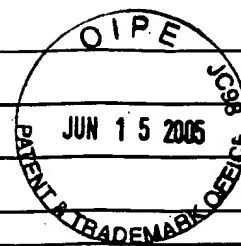
## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,464,709	10/2002	Shennib et al.			
	6,475,226	11/2002	Belef et al.			
	6,475,244	11/2002	Herweck et al.			
	6,482,220	11/2002	Mueller			
	6,491,689	12/2002	Ellis et al.			
	6,491,707	12/2002	Makower et al.			
	6,508,825	01/2003	Selmon et al.			
	6,511,458	01/2003	Milo et al.			
	6,514,217	02/2003	Selmon et al.			
	6,514,271	02/2003	Evans et al.			
	6,517,558	02/2003	Gittings et al.			
	6,524,323	02/2003	Nash et al.			
	6,544,230	04/2003	Flaherty et al.			
	6,559,132	05/2003	Holmer			
	6,561,998	05/2003	Roth et al.			
	6,565,528	05/2003	Mueller			
	6,565,594	05/2003	Herweck et al.			
	6,569,145	05/2003	Shmulewitz et al.			
	6,569,147	05/2003	Evans et al.			
	6,610,100	08/2003	Phelps et al.			
	6,641,610	11/2003	Wolf et al.			
	6,651,670	11/2003	Rapacki et al.			
	6,666,863	12/2003	Wentzel et al.			
	6,669,709	12/2003	Cohn et al.			
	6,685,648	02/2004	Flaherty et al.			
	6,694,983	02/2004	Wolf et al.			



## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
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Filing Date	April 10, 2001	Group:	3762



## U.S. PATENT DOCUMENTS

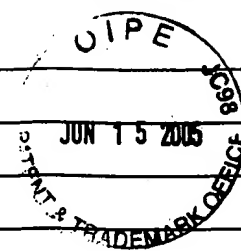
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

## U.S. PATENT APPLICATION PUBLICATIONS

	Document Number	Publication Date	Name	Class	Sub Class	Translation Yes or No
	2001/0000041	03/2001	Selmon et al.			
	2001/0004683	06/2001	Gambale et al.			
	2001/0004690	06/2001	Gambale et al.			
	2001/0004699	06/2001	Gittings et al.			
	2001/0008969	07/2001	Evans et al.			
	2001/0012948	08/2001	Vanney			
	2001/0014813	08/2001	Saadat et al.			
	2001/0016700	08/2001	Eno et al.			
	2001/0018596	08/2001	Selmon et al.			
	2001/0020172	09/2001	Selmon et al.			
	2001/0025643	10/2001	Foley			
	2001/0027287	10/2001	Shmulewitz et al.			
	2001/0029385	10/2001	Shennib et al.			
	2001/0034547	10/2001	Hall et al.			
	2001/0037117	11/2001	Gambale et al.			
	2001/0037149	11/2001	Wilk			
	2001/0039426	11/2001	Makower et al.			
	2001/0039445	11/2001	Hall et al.			
	2001/0041902	11/2001	Lepulu et al.			
	2001/0044631	11/2001	Akin et al.			
	2001/0047165	11/2001	Makower et al.			
	2001/0049523	12/2001	DeVore et al.			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
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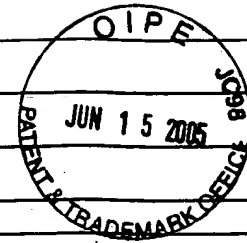


## U.S. PATENT APPLICATION PUBLICATIONS

	Document Number	Publication Date	Name	Class	Sub Class	Translation Yes or No
	2001/0053932	12/2001	Phelps et al.			
	2002/0002349	01/2002	Flaherty et al.			
	2002/0004662	01/2002	Wilk			
	2002/0029079	03/2002	Kim et al.			
	2002/0032476	03/2002	Gambale et al.			
	2002/0004663	01/2002	Gittings et al.			
	2002/0007138	01/2002	Wilk et al.			
	2002/0049486	04/2002	Knudson et al.			
	2002/0058897	04/2002	Renati			
	2002/0062146	05/2002	Makower et al.			
	2002/0065478	05/2002	Knudson et al.			
	2002/0072699	06/2002	Knudson et al.			
	2002/0077566	06/2002	Laroya et al.			
	2002/0077654	06/2002	Javier, Jr. et al.			
	2002/0092535	07/2002	Wilk			
	2002/0092536	07/2002	LaFontaine et al.			
	2002/0095111	07/2002	Tweden et al.			
	2002/0100484	08/2002	Hall et al.			
	2002/0111627	08/2002	Kim et al.			
	2002/0123698	09/2002	Garibotto et al.			
	2002/0138087	09/2002	Shennib et al.			
	2002/0143285	10/2002	Eno et al.			
	2002/0143289	10/2002	Ellis et al.			
	2002/0144696	10/2002	Sharkawy et al.			
	2002/0161383	10/2002	Akin et al.			
	2002/0161424	10/2002	Rapacki et al.			
	2002/0165479	11/2002	Wilk			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
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## U.S. PATENT APPLICATION PUBLICATIONS

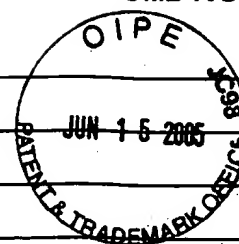
	Document Number	Publication Date	Name	Class	Sub Class	Translation Yes or No
	2002/0165606	11/2002	Wolf et al.			
	2002/0179098	12/2002	Makower et al.			
	2002/0183716	12/2002	Herweck et al.			
	2002/0193782	12/2002	Ellis et al.			
	2003/0018379	01/2003	Knudson et al.			
	2003/0044315	03/2003	Boekstegers			
	2003/0045828	03/2003	Wilk			
	2003/0055371	03/2003	Wolf et al.			
	2003/0073973	04/2003	Evans et al.			
	2003/0078561	04/2003	Gambale et al.			
	2003/0100920	05/2003	Akin et al.			
	2003/0105514	06/2003	Phelps et al.			
	2003/0120195	06/2003	Milo et al.			
	2003/0181938	09/2003	Roth et al.			
	2003/0195458	10/2003	Phelps et al.			
	2003/0216679	11/2003	Wolf et al.			
	2003/0236542	12/2003	Makower			
	2004/0015225	01/2004	Kim et al.			
	2004/0019348	01/2004	Stevens et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 96/32972	10/1996	PCT			
	WO 96/35469	11/1996	PCT			

# INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011



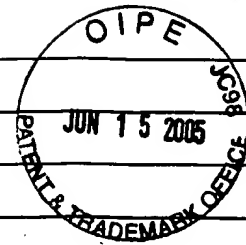
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Applicant	Peter J. WILK et al.		
Filing Date	April 10, 2001	Group:	3762

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 96/39962	12/1996	PCT			
	WO 96/39964	12/1996	PCT			
	WO 96/39965	12/1996	PCT			
	WO 97/27898	08/1997	PCT			
	WO 97/43961	11/1997	PCT			
	WO 98/03118	01/1998	PCT			
	WO 98/24373	06/1998	PCT			
	WO 98/25533	06/1998	PCT			
	WO 98/38916	09/1998	PCT			
	WO 98/38925	09/1998	PCT			
	WO 98/38939	09/1998	PCT			
	WO 98/38941	09/1998	PCT			
	WO 98/39038	09/1998	PCT			
	WO 98/57590	12/1998	PCT			
	WO 98/57592	12/1998	PCT			
	WO 99/07296	02/1999	PCT			
	WO 99/15220	04/1999	PCT			
	WO 99/17671	04/1999	PCT			
	WO 99/22655	05/1999	PCT			
	WO 99/22658	05/1999	PCT			
	WO 99/27985	06/1999	PCT			
	WO 99/35977	07/1999	PCT			
	WO 99/35979	07/1999	PCT			
	WO 99/35980	07/1999	PCT			
	WO 99/40853	08/1999	PCT			
	WO 99/40963	08/1999	PCT			
	WO 99/44524	09/1999	PCT			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	7883.0011-01	Appln. No.	09/828,794
Applicant	Peter J. WILK et al.		
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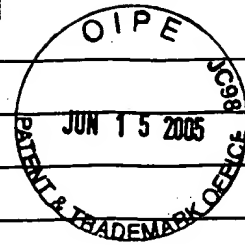


## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 99/48549	09/1999	PCT			
	WO 99/55406	11/1999	PCT			
	WO 00/13722	03/2000	PCT			
	WO 00/15148	03/2000	PCT			
	WO 00/15275	02/2000	PCT			
	WO 00/18302	04/2000	PCT			
	WO 00/18323	04/2000	PCT			
	WO 00/18325	04/2000	PCT			
	WO 00/18326	04/2000	PCT			
	WO 00/18331	04/2000	PCT			
	WO 00/18462	04/2000	PCT			
	WO 00/35376	06/2000	PCT			
	WO 00/36997	06/2000	PCT			
	WO 00/43051	07/2000	PCT			
	WO 00/45886	08/2000	PCT			
	WO 00/49952	08/2000	PCT			
	WO 00/49954	08/2000	PCT			
	WO 00/49956	08/2000	PCT			
	WO 00/54660	09/2000	PCT			
	WO 00/54661	09/2000	PCT			
	WO 00/56224	09/2000	PCT			
	WO 00/56225	09/2000	PCT			
	WO 00/69345	11/2000	PCT			
	WO 00/69504	11/2000	PCT			
	WO 01/08566	02/2001	PCT			
	WO 01/10340 A1	02/2001	PCT			
	WO 01/10341 A2	02/2001	PCT			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No. 7883.0011-01	Appln. No. 09/828,794
Applicant Peter J. WILK et al.	
Filing Date April 10, 2001	Group: 3762

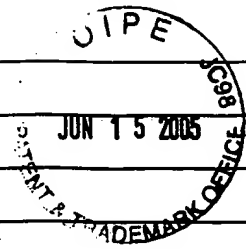


## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 01/10347 A1	02/2001	PCT			
	WO 01/10348 A1	02/2001	PCT			
	WO 01/10349 A1	02/2001	PCT			
	WO 01/08602	02/2001	PCT			
	WO 01/10350 A1	02/2001	PCT			
	EP 0 732 088	09/1996	PCT			
	EP 0 792 624	09/1997	PCT			
	EP 0 797 957	10/1997	PCT			
	EP 0 797 958	10/1997	PCT			
	EP 0 799 604	10/1997	PCT			
	EP 0 801 928	10/1997	PCT			
	EP 0 815 798	07/1997	PCT			
	EP 0 829 239	08/1997	PCT			
	EP 0 836 834	10/1997	PCT			
	EP 0 853 921	07/1998	PCT			
	EP 0 858 779	08/1998	PCT			
	EP 0 876 796	05/1998	PCT			
	EP 0 888 750	01/1999	PCT			
	EP 0 895 752	02/1999	PCT			
	EP 0 959 815	12/2002	PCT			
	EP 1 020 166	07/2000	PCT			
	EP 1 027 870	08/2000	PCT			
	EP 1 097 676	05/2001	PCT			
	EP 1 166 721	01/2002	PCT			

## INFORMATION DISCLOSURE CITATION

Atty. Docket No. 7883.0011-01	Appln. No. 09/828,794
Applicant Peter J. WILK et al.	
Filing Date April 10, 2001	Group: 3762



OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	<i>American Medical Association Publication</i> ; International Cardiovascular Society, "Myocardial Boring for the Ischemic Heart," A. Wakabayashi, M.D., et al.; Fifteenth Scientific Meeting, Atlantic City, NJ, June 16 and 17, 1967; <i>Archives of Surgery</i> , pp. 743-752, Vol. 95, No. 5, Nov. 1967,
	<i>The Journal of Thoracic and Cardiovascular Surgery</i> , "Experimental Evaluation of Myocardial Tunnelization as a Method of Myocardial Revascularization," I. Anabtawi, M.D., et al., pp. 638-646., November 1969.
	<i>American Heart Journal</i> , "Effects of Laser Irradiation Delivered by Flexible Fiberoptic System on the Left Ventricular Internal Myocardium," G. Lee, M.D., et al., pp. 587-590, Vol. 106, No. 3, September 1983.

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce



PATENT  
Customer No. 22,852  
Attorney Docket No. 7883.0011-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Peter J. WILK et al. ) Group Art Unit: 3762  
)  
Application No.: 09/828,794 ) Examiner: P. BIANCO  
)  
Filed: April 10, 2001 )  
) Confirmation No. 9962  
For: LEFT VENTRICULAR CONDUIT )  
WITH BLOOD VESSEL GRAFT )

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT**

Applicants resubmit a copy of the Information Disclosure Statement Under 37 C.F.R. §1.97(b) and Form PTO 1449 that was filed in the U.S. Patent and Trademark Office on April 8, 2004, prior to the issuance of the Notice of Allowance dated May 20, 2004. A copy of the date-stamped PTO receipt postcard showing receipt on April 8, 2004 of the Information Disclosure Statement, Form PTO 1449, and 1 box of references cited on the Form PTO 1449 is also attached. Accordingly, because the Information Disclosure Statement Under 37 C.F.R. §1.97(b) was timely submitted prior to the issuance of the Notice of Allowance, Applicants respectfully request consideration of the references listed on the Form PTO 1449 and the return of the Form PTO 1449 with notations indicated that the listed references have been considered.




Per the Examiner's request in a telephone conversation with Applicants' representative on June 9, 2004, Applicants submit herewith copies of the non-U.S. patent references listed on the Form PTO 1449. In the telephone conversation, the Examiner indicated that because copies of the U.S. patent references were readily accessible, she did not want copies of those references.

If there is any other fee not already accounted for and due in connection with the filing of this Resubmission, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2004

By:   
Michael W. Kim  
Reg. No. 51,880